

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 202002856	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/17/2020 10:00 PM	Location of Incident: Nostrand Avenue between Atlantic Avenue and Fulton Street	Precinct: 77	18 Mo. SOL 10/17/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 04/23/2020 1:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/23/2020 1:10 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Eric Delman	00000	922228	077 PCT
2. POM Patrick Craig	26996	945623	077 PCT
3. POM Craig Mcgrath	26900	955165	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Eric Delman	Abuse: Lieutenant Eric Delman stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Patrick Craig	Abuse: Police Officer Patrick Craig stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Craig Mcgrath	Abuse: Police Officer Craig Mcgrath stopped the vehicle in which § 87(2)(b) was an occupant.	
D.POM Patrick Craig	Abuse: Police Officer Patrick Craig frisked § 87(2)(b)	
E.POM Patrick Craig	Abuse: Police Officer Patrick Craig searched § 87(2)(b)	
F.POM Craig Mcgrath	Abuse: Police Officer Craig Mcgrath searched the vehicle in which § 87(2)(b) was an occupant.	
G.LT Eric Delman	Abuse: Lieutenant Eric Delman failed to provide § 87(2)(b) with a business card.	
H.POM Patrick Craig	Abuse: Police Officer Patrick Craig failed to provide § 87(2)(b) with a business card.	
I.POM Craig Mcgrath	Abuse: Police Officer Craig Mcgrath failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On April 23, 2020, § 87(2)(b) filed this complaint with the CCRB via telephone.

On April 17, 2020, at approximately 10 p.m., in the vicinity of Nostrand Avenue between Atlantic Avenue and Fulton Street in Brooklyn, Lieutenant Eric Delman, Police Officer Patrick Craig, and Police Officer Craig McGrath, all of the 77th Precinct, allegedly stopped § 87(2)(b)'s vehicle (**Allegations A – C: Abuse of Authority**, § 87(2)(g) PO Craig allegedly frisked and searched § 87(2)(b)'s jeans and jacket pockets (**Allegations D and E: Abuse of Authority**, § 87(2)(g) PO McGrath allegedly searched § 87(2)(b)'s vehicle (**Allegation F: Abuse of Authority**, § 87(2)(g) Lieutenant Delman, PO Craig, and PO McGrath allegedly failed to provide § 87(2)(b) with a business card (**Allegations G – I: Abuse of Authority**, § 87(2)(g) § 87(2)(g), § 87(4-b)

No summonses or arrests resulted from this incident and there is no video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Eric Delman stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Patrick Craig stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: Police Officer Craig McGrath stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) (BR 01) testified that he was driving a 2017 blue Toyota Camry, which was a rental car, down Nostrand Avenue in Brooklyn and legally parallel parked his vehicle in front of a convenience store on Nostrand Avenue somewhere between Atlantic Avenue and Fulton Street, but § 87(2)(b) did not know the exact location. § 87(2)(b) entered the convenience store, bought a Nantucket juice, and exited the store after being inside for approximately five minutes. No one exited the store with § 87(2)(b) got back in his vehicle and began driving down Nostrand Avenue for approximately 10 to 30 seconds before an unmarked vehicle pulled him over. § 87(2)(b) denied making any traffic infractions while driving and pulled over on the opposite side of the street from the convenience store. § 87(2)(b) described the officers who approached his vehicle as follows: a white male with dark brown or black hair, 6'2", approximately 220 pounds, and approximately 30 to 35 years old, wearing plainclothes; a Latino or Greek male, approximately 5'9" and with a chubby build, approximately in his late 20s or early 30s, and wearing plainclothes including a hat and face mask; and a male wearing plainclothes. § 87(2)(b) was unable to further describe the third officer. After PO McGrath searched § 87(2)(b)'s vehicle (see Allegation F), PO Craig told § 87(2)(b) that they stopped his vehicle because they observed a known drug-dealer exit the convenience store with § 87(2)(b).

Lieutenant Delman performed a warrant audit of § 87(2)(b) at approximately 10:40 p.m. (BR 02). No other documentation regarding this incident exists.

Lieutenant Delman is a white male with salt and pepper colored hair, brown eyes, 5'9", and approximately 200 pounds. Lieutenant Delman was 51 years old at the time of this incident. PO Craig is a white male with brown hair, 6'1", and 250 pounds, and was 35 years old at the time of this incident. PO McGrath is a white male with brown hair, 5'10", 240 pounds, and 35 years old at the time of this incident.

Lieutenant Delman (BR 03), PO Craig (BR 04), and PO McGrath (BR 05) had no recollection of this incident and attempts to refresh their recollection were unsuccessful. All three officers testified that Nostrand Avenue and Atlantic Avenue border the 77th and 79th Precincts, but Nostrand Avenue and Fulton Street is squarely in the confines of the 79th Precinct. None of the officers had a recollection of stopping § 87(2)(b)'s vehicle or conducting any vehicle stops near the border of or within the confines of the 79th Precinct. None of the officers had a recollection of

informing any motorist that they stopped his vehicle after observing a known drug-dealer exit a convenience store.

Lieutenant Delman reviewed the warrant audit he performed of § 87(2)(b) but he did not remember any additional details regarding this incident and did not remember or recognize § 87(2)(b)'s name.

As Lieutenant Delman performed a warrant audit of § 87(2)(b) approximately 40 minutes after the approximate time of the incident provided by § 87(2)(b) and the officers – particularly PO Craig and PO McGrath – generally match the description of the officers § 87(2)(b) provided, the three officers were identified as the subjects of Allegations A – C. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Allegation (D) Abuse of Authority: Police Officer Patrick Craig frisked § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Patrick Craig searched § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Craig McGrath searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he was wearing jeans, an orange hoodie with a front pocket, and a brown leather jacket on the date of the incident. When § 87(2)(b) pulled over, Lieutenant Delman, PO Craig, and PO McGrath approached his vehicle. PO Craig asked for § 87(2)(b)'s license, which § 87(2)(b) provided, and asked, “What kind of car is this?” § 87(2)(b) told PO Craig that the car was a rental. PO Craig asked § 87(2)(b) to exit the vehicle and § 87(2)(b) complied. PO Craig patted down § 87(2)(b)'s jacket pocket and pants pocket. PO Craig entered § 87(2)(b)'s jacket pocket and removed a broken pen, as well as entered his front right jeans pocket and removed keys and loose change. PO Craig then instructed § 87(2)(b) to go to the back of his vehicle and § 87(2)(b) complied. PO McGrath began searching § 87(2)(b)'s vehicle, specifically the front seat area. § 87(2)(b) was not sure if PO McGrath looked in any other areas of the car. After less than five minutes, PO McGrath completed searching § 87(2)(b)'s vehicle.

As discussed in Allegations A – C, PO Craig, PO McGrath, and Lieutenant Delman had no recollection of this incident. PO Craig specifically had no recollection of conversing with § 87(2)(b) about his vehicle being a rental or asking § 87(2)(b) to exit his vehicle. PO Craig denied frisking § 87(2)(b)'s pockets and did not remember ever entering § 87(2)(b)'s pockets and removing property from said pockets. PO McGrath also had no recollection of searching § 87(2)(b)'s vehicle.

The investigation received negative results for a UF-250 (Stop Report) for § 87(2)(b) (BR 06).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b).

Allegation (G) Abuse of Authority: Lieutenant Eric Delman failed to provide § 87(2)(b) with a business card.

Allegation (H) Abuse of Authority: Police Officer Patrick Craig failed to provide § 87(2)(b) with a business card.

Allegation (I) Abuse of Authority: Police Officer Craig McGrath failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that after PO McGrath finished searching his vehicle, PO Craig said, “Is he clean?” to which PO McGrath responded, “Yes.” The officers returned § 87(2)(b)'s license to him and left without providing § 87(2)(b) with a business card or summons.

As discussed throughout the report, Lieutenant Delman, PO Craig, and PO McGrath had no recollection of this incident and thus had no recollection of whether a business card was provided to

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 08).
- Lieutenant Delman has been a member of service for 23 years and has been named a subject in 23 cases and 50 allegations, three of which were substantiated:
 - 201000719 involved a substantiated allegation of a stop (of a person). The Board recommended charges and the NYPD imposed instructions.
 - 201304699 involved a substantiated allegation of a retaliatory summons. The Board recommended charges and the NYPD did not impose discipline.
 - 201705307 involved a substantiated allegation of physical force. The Board recommended instructions and the NYPD did not impose discipline.
 - § 87(2)(g)
- PO Craig has been a member of service for 13 years and has been named a subject in 20 cases and 42 allegations, four of which were substantiated:
 - 201201580 involved a substantiated allegation of a frisk. The Board recommended charges and the NYPD imposed instructions.
 - 201706371 involved substantiated allegations of physical force, refusal to provide name/shield number, and discourtesy – word. The Board recommended charges and the NYPD imposed a forfeiture of 10 vacation days.
 - § 87(2)(g)
- PO McGrath has been a member of service for eight years and has been named a subject in 14 cases and 41 allegations, one of which was substantiated:
 - 202003706 involved a substantiated allegation of force – vehicle. The Board recommended charges and the NYPD has yet to impose discipline.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 20, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 09).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (BR 10).

Squad: 14

Investigator: Casey McCann Inv. Casey McCann 09/27/2021
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 09/29/2021
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____